

BEFORE THE DIRECTOR
OF THE
OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W. SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF	}	DATE: April 13, 2006
	}	
Vincent Gray Constituent Services Fund	}	DOCKET NO: 060C-001
1350 W Street, SE	}	
Washington, D.C. 20020	}	
Thomas Gore, Treasurer	}	HEARING OFFICER: William O. SanFord

ORDER

Statement of the Case

This matter comes before the Office of Campaign Finance (OCF) upon an inquiry conducted by OCF, which determined that the Vincent Gray Constituent Services Fund, for which Thomas Gore serves as treasurer, failed to timely file on January 3, 2006 a January 1, 2006 Report of Receipts and Expenditures (January 1, 2006 Report), pursuant to D.C. Official Code §1-1102.06(a) (2001 Edition).

By Notice of Hearing, Statement of Violations and Order of Appearance dated February 8, 2006, OCF ordered Thomas Gore (hereinafter respondent treasurer), to appear at a scheduled hearing on February 16, 2006, and show cause why the Vincent Gray Constituent Services Fund (hereinafter respondent fund) should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Code §§1-1101.01 et seq. (Act) and fined accordingly.

On February 16, 2006, the respondent treasurer appeared for a scheduled hearing. OCF was represented by Sonya Lake, Financial Reporting Examiner with the Public Information and Records Management Division.

Summary of Evidence

Ms. Lake alleged that respondent fund failed to timely file the statutorily required January 1, 2006 Report by the due date of January 3, 2006. She additionally alleged that, by letter dated January 10, 2006, OCF accorded the fund an extension until January 23, 2006, to file the report; but, the respondent fund's report was not received until February 1, 2006. Mr. Gore conceded

that the report was not timely filed. He stated that he received the January 10, 2006 Notice of Non-Compliance which included an extended filing date of January 23, 2006; but, mistakenly believed that OCF had extended the due date until February 1, 2006. He additionally stated that he erroneously advised the staff to prepare the report for submission on February 1, 2006, and, he did not become aware that the report was delinquent until he received the Notice of Hearing, Statement of Violations and Order of Appearance.

Findings of Fact

Having reviewed the allegations and OCF records, I find:

1. Respondent fund was required to file a January 1, 2006 Report with OCF by January 3, 2006.
2. Respondent fund did not timely file a January 1, 2006 Report with OCF.
3. By letter dated January 10, 2006, OCF extended the filing deadline for the report in question to January 23, 2006.
4. OCF records indicate that the respondent fund filed a January 1, 2006 Report on February 1, 2006.
5. Respondent fund is currently in compliance with the statute.

Conclusions of Law

Based upon the record and evidence, I therefore conclude:

1. Respondent fund violated D.C. Official Code Section 1-1102.06(a).
2. The penalty established at 3DCMR Sections 3711.2(f) and 3711.4 for failure to timely file an April 1, 2004 Report required by D.C. Official Code Section 1-1102.06(a) is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with 3DCMR Sections 3711.2(f) and 3711.4, respondent fund may be fined a maximum of \$300.00 for failing to timely file a January 1, 2006 Report.
4. For good cause shown pursuant to 3DCMR Section 3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent fund has one prior filing delinquency with OCF.

6. Respondent fund's general record of compliance warrants favorable consideration.
7. Respondent fund is currently in compliance with the statute.

Recommendation

In view of the foregoing and information included in the case file, I hereby recommend that the Director impose a reduced fine of \$50.00 against the Vincent Gray Constituent Services Fund for failing to timely file a January 1, 2006 Report of Receipts and Expenditures.

Date

William O. SanFord
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine of \$300.00 which could be imposed against the Gray Constituent Services Fund for failing to timely file a January 1, 2006 Report of Receipts and Expenditures is hereby reduced to \$50.00.

Date

Cecily E. Collier-Montgomery
Director

This Order may be appealed to the Board of Elections and Ethics within 15 days from the date of issuance.

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing order.

April Williams
Clerk

NOTICE

Pursuant to 3 DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000 14th Street, NW, Washington, D.C. 20009.